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OFFICE OF PETITIONS

In re Application of :
Arne Johansson :
Application No. 10/088584 : ON PETITION
Filing or 371(c) Date: 05/21/2002 :
Attorney Docket Number: :
7589.342.PCUS00 :

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), filed September 19, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed January 19, 2006. The Office action set a three (3) month period for reply.

Applicant filed a Notice of Appeal and an Extension of Time request and fee, on June 19, 2006; however, the appeal brief was not filed within the time designated in 37 CFR 41.37. Accordingly, the appeal stood dismissed. A Notice of Abandonment was mailed February 1, 2007.

Applicant files the present petition, and asserts that a timely reply to the Office action, to wit – a Request for Continued Examination and fee, and a Submission in the form of an Amendment, and a request for a five (5) month extension of time and fee authorization, were filed on January 19, 2006.

A review of Office records also reveals that the response to the Office action was received by this Office on January 26, 2006¹. A review of the response reveals that it contained a Certificate of Mailing under 37 CFR 1.8, certifying that the response was mailed to this office on January 19, 2006, and included the appropriate extension of time and fee. The Certificate of Mailing was executed by Petitioner herein.


¹ Accord MPEP 1215.01.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The difference between the fee for a four month extension of time, \$1,590, and a five month extension of time, \$2,160, on January 19, 2007, \$570, has been charged to Petitioner's deposit account.

The application will be referred to Technology Center Art Unit 3651 for withdrawal of the appeal, and for processing of the response, and for further examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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Attorney
Office of Petitions